
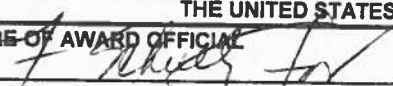
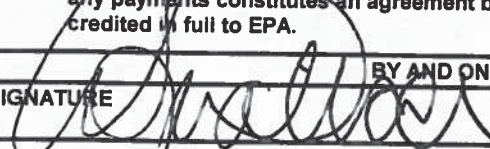


RETURN TO EPA, PMD-7

GA - 96970501 - 0 Page 1

	U.S. ENVIRONMENTAL PROTECTION AGENCY Cooperative Agreement		ASSISTANCE ID NO.		DATE OF AWARD JUL 28 2006		
			PRG GA	DOC ID 96970501		AMEND# - 0	
			TYPE OF ACTION Continuation			MAILING DATE AUG 04 2006	
			PAYMENT METHOD: Advance			ACH#	
RECIPIENT TYPE: Indian Tribe			Send Payment Request to: Las Vegas Finance Center, Fax (702) 798-2423				
RECIPIENT:			PAYEE:				
Washoe Tribe of NV & CA 919 Highway 395 South Gardnerville, NV 89410 EIN: 88-0120754			Washoe Tribe of NV & CA 919 Highway 395 South Gardnerville, NV 89410				
PROJECT MANAGER		EPA PROJECT OFFICER		EPA GRANT SPECIALIST			
Marie Barry 919 Highway 395 South Gardnerville, NV 89410 E-Mail: Phone: 775-265-8682		Gregory Phillips 75 Hawthorne Street, CED-3 San Francisco, CA 94105 E-Mail: Phillips.Gregory@epamail.epa.gov Phone: 775-885-6085		GwenL Brown Grants Management Office, MTS-7 E-Mail: Brown.GwenL@epamail.epa.gov Phone: 415-972-3661			
PROJECT TITLE AND DESCRIPTION General Assistance Program IV							
<p>This assistance agreement provides full EPA funding amount of \$383,326. The objective of the project is for the Washoe tribe to plan, develop and establish an environmental protection program through outreach and education, fiscal administration, Environmental inventory planning, consultation, chemical emergency planning and solid and hazardous waste program.</p> <p>Preaward costs have been approved back to July 1, 2006. This funding is for a 12-month period from July 1, 2006 to June 30, 2007 which is the 1st year of the General Assistance Program grant. It includes \$88,349.00 for the implementation of solid and hazardous waste program.</p>							
BUDGET PERIOD 07/01/2006 - 06/30/2010		PROJECT PERIOD 07/01/2006 - 06/30/2010		TOTAL PROJECT PERIOD COST \$383,326.00			
				TOTAL BUDGET PERIOD COST \$383,326.00			
<p>NOTE: The Agreement must be completed in duplicate and the Original returned to the appropriate Grants Management Office listed below, within 3 calendar weeks after receipt or within any extension of time as may be granted by EPA. Receipt of a written refusal or failure to return the properly executed document within the prescribed time, may result in the withdrawal of the offer by the Agency. Any change to the Agreement by the Recipient subsequent to the document being signed by the EPA Award Official, which the Award Official determines to materially alter the Agreement, shall void the Agreement.</p>							
OFFER AND ACCEPTANCE							
<p>The United States, acting by and through the U.S. Environmental Protection Agency (EPA), hereby offers Assistance/Amendment to the <u>Washoe Tribe of NV & CA</u> for <u>100.00</u> % of all approved costs incurred up to and not exceeding <u>\$383,326</u> for the support of approved budget period effort described in application (including all application modifications) cited in the Project Title and Description above, signed <u>04/11/2006</u> included herein by reference.</p>							
ISSUING OFFICE (GRANTS MANAGEMENT OFFICE)			AWARD APPROVAL OFFICE				
ORGANIZATION / ADDRESS			ORGANIZATION / ADDRESS				
U.S. EPA, Region 9 Grants Management Office, MTS-7 75 Hawthorne Street San Francisco, CA 94105			U.S. EPA, Region 9 Communities & Ecosystem Division, CED-1 75 Hawthorne Street San Francisco, CA 94105				
THE UNITED STATES OF AMERICA BY THE U.S. ENVIRONMENTAL PROTECTION AGENCY							
SIGNATURE OF AWARD OFFICIAL		TYPED NAME AND TITLE		DATE			
		Enrique Manzanilla, Director - Communities & Ecosystem Division		JUL 28 2006			
<p>This agreement is subject to applicable U.S. Environmental Protection Agency statutory provisions and assistance regulations. In accepting this award or amendment and any payments made pursuant thereto, (1) the undersigned represents that he is duly authorized to act on behalf of the recipient organization, and (2) the recipient agrees (a) that the award is subject to the applicable provisions of 40 CFR Chapter 1, Subchapter B and of the provisions of this agreement (and all attachments), and (b) that acceptance of any payments constitutes an agreement by the payee that the amounts, if any found by EPA to have been overpaid will be refunded or credited in full to EPA.</p>							
BY AND ON BEHALF OF THE DESIGNATED RECIPIENT ORGANIZATION							
SIGNATURE		TYPED NAME AND TITLE		DATE			
		A. Brian Wallace, Chairman		8/10/06			

RECEIVED

AUG 14 2006

GMO, MTS-7

GA - 96970501 - 0 Page 2

Assistance Program (CFDA)	Statutory Authority	Regulatory Authority
66.926 - Indian Environmental General Assistance Program	Indian Envir General Asst Prog Act 1992	40 CFR PTS 31 & 35 SUBPT B

Fiscal									
Site Name	DCN	FY	Approp. Code	Budget Organization	PRC	Object Class	Site/Project	Cost Organization	Obligation / Deobligation
-	FE0104	06	E1C	09FA0D5	503B15E	4121			383,326
									383,326

Table A - Object Class Category (Non-construction)	Total Approved Allowable Budget Period Cost
1. Personnel	\$183,371
2. Fringe Benefits	\$53,426
3. Travel	\$14,220
4. Equipment	\$7,501
5. Supplies	\$5,898
6. Contractual	\$55,000
7. Construction	\$0
8. Other	\$36,800
9. Total Direct Charges	\$356,216
10. Indirect Costs: % Base <u>SEE BELOW</u>	\$27,110
11. Total (Share: Recipient <u>0.00</u> % Federal <u>100.00</u> %.)	\$383,326
12. Total Approved Assistance Amount	\$383,326
13. Program Income	\$0

Detailed Table B Budget Page: 1

Table B - Program Element Classification (Non-construction)	Total Approved Allowable Budget Period Cost
1. TABLE A, LINE 11, INDIRECT COSTS ARE	\$
2. BASED ON TOTAL DIRECT COSTS	\$
3. LESS CAPITAL EXPENDITURES AND	\$
4. PASSTHROUGH FUNDS. SEE CONDITION	\$
5. NUMBER 6.	\$
6.	\$
7.	\$
8.	\$
9.	\$
10.	\$
11. Total (Share: Recip % Fed %)	\$
12. Total Approved Assistance Amount	\$

Administrative Conditions

1. An interim Financial Status Report (FSR), Standard Form 269A (Rev. 7/97), covering the period from "project/budget period start date" to June 30 of each calendar year shall be submitted to the Grants Management Office, MTS-7, no later than September 30 of the same calendar year. **The initial interim FSR is due September 30, 2007.** The final FSR covering the entire project period shall be submitted to the U.S. EPA Las Vegas Finance Center, PO Box 98515, Las Vegas, NV 89193-8515, within 90 days after the end of the project period according to the recipient's respective Code of Federal Regulations Part 31.23(b)).
2. The recipient shall comply with the Single Audit Act and the reporting requirements set forth in OMB Circular A-133.
3. The recipient agrees to complete and submit to the Grants Management Office, MTS-7, a MBE/WBE Utilization Report (EPA Form 5700-52A), within 30 days after the end of the Federal fiscal year, i.e., by October 30 of each calendar year. Negative reports are required.
4. The recipient must ensure to the fullest extent possible that at least 8% (6%=MBE/2%=WBE) of Federal funds for prime contracts or subcontracts for supplies, construction, equipment or services are made available to organizations owned or controlled by socially and economically disadvantaged individuals, women, and historically black colleges and universities.

The recipient agrees to include in its bid documents an 8% (6%=MBE/2%=WBE) "Fair Share" percentage and require all of its prime contractors to include in their bid documents for subcontracts an 8% (6%=MBE/2%=WBE) "Fair Share" percentage.

To evaluate compliance with the "Fair Share" policy, the recipient also agrees to comply with the six affirmative steps stated in 40 CFR Section 30.44(b), Section 31.36(e), or Section 35.6580(a), as appropriate.

5. If a recipient procures equipment, services, supplies, or contracts under an assistance agreement, the recipient agrees and is required to utilize the following six affirmative steps:
 - a. Include qualified Small Business Enterprises (SBEs), Minority Business Enterprises (MBEs), and Women Business Enterprises (WBEs) on solicitation lists;
 - b. Assure that SBEs, MBEs, and WBEs are solicited whenever they are potential sources;
 - c. Divide total requirements, when economically feasible, into small tasks or quantities to permit maximum participation of SBEs, MBEs, and WBEs;
 - d. Establish delivery schedules, where the requirements of the work permit, which will encourage participation by SBEs, MBEs, and WBEs;

e. Use the services and assistance of the Small Business Administration and the Minority Business Development Agency, U.S. Department of Commerce, as appropriate; and

f. If the prime contractor awards contracts/procurements, require the contractor to take the affirmative steps in subparagraphs a. through e. of this condition.

6. The recipient's last approved indirect cost rate has expired **December 31, 2005**. The recipient will not charge or claim for reimbursement any indirect costs unless a current indirect cost rate proposal covering the time period of the costs being claimed for reimbursement is approved by the Department of Interior (DOI).

7. Pursuant to EPA's annual Appropriations Act, the chief executive officer of this recipient agency shall require that no grant funds have been used to engage in lobbying of the Federal Government or in litigation against the United States unless authorized under existing law. As mandated by this Act, the recipient agrees to provide certification to the award official via EPA Form 5700-53, *Lobbying and Litigation Certificate*, or in a written statement. The Lobbying and Litigation certification and final Financial Status Report shall be submitted within 90 days after the end of project period.

Recipient shall abide by its respective OMB Circular (A-21, A-87, or A-122), which prohibits the use of federal grant funds for litigation against the United States. Any Part 30 recipient shall abide by its respective OMB Circular (A-21 or A-122), which prohibits the use of Federal grant funds to participate in various forms of lobbying or other political activities.

8. Pursuant to EPA Order 1000.25 and Executive Order 13101, the recipient agrees to use recycled paper for all reports which are prepared as a part of this agreement and delivered to EPA. This requirement does not apply to Standard Forms. These forms are printed on recycled paper as available through the General Services Administration.

9. Effective October 1, 1994, the recipient agrees to ensure that all conference, meeting, convention, or training space funded in whole or in part with Federal funds complies with the Hotel and Motel Fire Safety Act of 1990.

10. Payment to consultants. Per 40 CFR **Part 31.36(j)**, EPA's participation in the salary rate (excluding overhead and travel) paid to individual consultants retained by recipients or by a recipient's contractors or subcontractors shall be limited to the maximum daily rate for a Level IV of the Executive Schedule, to be adjusted annually. This limit applies to consultation services of designated individuals with specialized skills and if the terms of the contract provide the recipient with responsibility for the selection, direction, and control of the individuals who will be providing services under the contract at an hourly or daily rate of compensation. As of January 1, 2006, the rate is \$548.08 per day and \$68.51 per hour. This rate does not include overhead or travel costs and the recipient may pay these in accordance with its normal travel practices.

Subagreements with firms or individuals for services which are awarded using the procurement requirements in 40 CFR Parts 30 or 31, as applicable, are not affected by

this limitation unless the terms of the contract provide the recipient with responsibility for the selection, direction, and control of the individuals who will be providing services under the contract at an hourly or daily rate of compensation. See 40 CFR Part 31.36(j)(2) or Part 30.27(b).

11. The recipient shall fully comply with Subpart C of 40 CFR Part 32, entitled "Responsibilities of Participants Regarding Transactions." The recipient is responsible for ensuring that any lower tier covered transaction, as described in Subpart B of 40 CFR Part 32, entitled "Covered Transactions," includes a term or condition requiring compliance with Subpart C. The recipient is responsible for further requiring the inclusion of a similar term or condition in any subsequent lower tier covered transactions. The recipient acknowledges that failing to disclose the information required under 40 CFR 32.335 may result in the delay or negation of this assistance agreement, or pursuance of legal remedies, including suspension and debarment.

The recipient may access the Excluded Parties List System at <http://epls.arnet.gov>. This term and condition supersedes EPA Form 5700-49, "Certification Regarding Debarment, Suspension, and Other Responsibility Matters.

Programmatic Conditions

P1. To accomplish the statutory and regulatory purposes of the General Assistance Program, this assistance agreement is awarded to the **Washoe Tribe of NV and CA** for planning, developing, and establishing environmental protection programs, and may include development and implementation of solid and hazardous waste programs, administered by EPA on the Washoe Tribal Reservation.

P2. Congress authorized the use of GAP funds for solid waste implementation projects. Solid waste projects may involve land-disturbing ("construction") activities or other actions that would require completion of environmental reviews prior to project implementation, as required by the National Environmental Policy Act (NEPA). The recipient agrees not to bill or request reimbursement from the EPA for any costs associated with detailed project design (e.g., developing blue prints or feasibility studies), construction or other implementation activities funded by this grant until the EPA and the Tribe have complied with the National Environmental Policy Act and other environmental cross-cutters (see 40 C.F.R. 6.300 et seq.) as necessary. If the recipient incurs such costs prior to completion of required environmental reviews, it does so at its own risk. However, the recipient can incur costs for general project planning and development of conceptual designs before, or coincident with, development of applicable environmental reviews. The recipient shall consult with EPA project officer(s) to determine if General Assistance Program (GAP) workplans and budgets need to be modified to reflect final project designs and plans. If modifications are necessary, recipients shall submit updated workplans and budgets to EPA and refrain from incurring costs for new (or modified) activities until the updated workplans and budgets are approved by EPA.

P3. The U.S. EPA will be substantially involved in overseeing and monitoring this cooperative agreement. Involvement includes, but is not limited to: Providing programmatic monitoring by reviewing, commenting, and/or providing prior approval of

specific workplan activities and their associated costs; providing technical assistance in solid waste and environmental education programs; and participating as speaker at planned environmental outreach events. Specific details are contained in the approved workplan.

-- END OF DOCUMENT --